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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/654,783

09/04/2003

Steven J. Fiore

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5495

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04/19/2006

PATENT DOCUMENTATION CENTER

XEROX CORPORATION

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ROCHESTER, NY 14644

EXAMINER

LEE, SUSAN SHUK YIN

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/654,783

Applicant(s)

FIORE ET AL.

Examiner

Susan S. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-8,10-14 and 16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1, 4-8, 10-14, 16 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8, 10-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (Japan, 2-126281) in view of Kamezaki (Japan, 10-17174).

Sato discloses a photosensitive belt 4 wound on plural rollers supported in frame 8. The photosensitive belt 4 is also stretched between the back-up rollers 27 and roller 49 that read on the plurality of retractable backing members. When a knob 39 (reads on the instant invention's actuating member or lever) is rotated, both backing members 27 and roller 49 are moved in retreating positions. Then, the belt 4 is in a state where it is separated from a developing roller and a cleaning roller and can be removed from the image forming apparatus. Although the abstract do not discussed inserting a new belt, it would be inherent that a new photosensitive belt can be inserted back into the image forming apparatus when the old belt is removed. In Fig. 2, element 41' appears to be a spring that is associated with roller 49.

Sato differs from the instant invention by not disclosing a tension roller.

Kamezaki discloses as prior art (Figs. 9 and 11-14) a belt 8 that has a tension member 18. When the belt 8 is to be removed, the tension member 18 is to slide and rotate in the direction in the direction of arrow 19 (Fig. 11), thus as shown in Fig. 11,

along with the spring 23, the tension member 18 extends in a vertical direction so causing the shape of the belt to be in a different configuration as shown in Fig. 11 from the shape that is shown in Fig. 12. The belt 8 would be deformed, meaning changing its shape by this movement of the tension member 18 along with the spring 23 attached to the tension member 18 as shown in Fig. 13. In addition, as the tension member 18 moves from the first position to the second position in order to remove the belt 8, the shape of the belt 8 is changed due to the tension member 18 stretching it in the vertical direction (shown in Fig. 11). Note translation done by JPO, Detailed Description, paragraphs [0004], [0005], and [0006].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of the belt of Sato with the tension member of Kamezaki so that further tensioning of the belt provides better stability of the belt during rotation in the image forming apparatus.

### ***Response to Arguments***

Applicant's arguments filed 1/26/06 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's arguments to Sato or Kamezaki do not disclose a tension roller that extends and deforms the shape of a belt, Examiner points out that Kamezaki shows such features. The shape of the belt 8 as shown in Fig. 12 changes its shape and thus is deformed from its original shape (Fig. 12) when the tension member 18 stretches or extends the belt 8 in the vertical direction as shown in Fig. 11. The Webster's Dictionary definition of "deformed" is defined as to become changed in shape. This is shown in Kamezaki. The belt 8 has changed in shape from an elliptical shape as shown in Fig. 12 to a non-elliptical shape as shown in Fig. 11. Also, the claims recite a "tension roller extends ... the shape of the belt". This is shown in Kamezaki because when the tension member 18 is rotated to the position as shown in Fig. 11, the belt 8 stretches or extends more vertical than the belt's shape in position as shown in Fig. 12. See translation done by JPO, Detailed Description, paragraphs [0004], [0005], and [0006]. Applicant also argues "combining Sato and Kamezaki would not appear to anticipate Applicant's invention". This is not correct. Since the rejection was made under 35 U.S.C. 103(a), the combination of Sato and Kamezaki renders the instant invention as obvious.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 571-272-2136 or 571-272-2800 (Ext. 52). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Susan S. Lee  
Primary Examiner  
Art Unit 2852

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